

FILED

UNITED STATES COURT OF APPEALS

APR 15 2010

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JAMES S. GORDON, Jr.,

Plaintiff - Appellant,

v.

SUBSCRIBERBASE HOLDINGS, INC;
et al.,

Defendants - Appellees.

No. 10-35028

D.C. No. 2:08-cv-05037-RHW
Eastern District of Washington,
Spokane

ORDER

Before: B. FLETCHER and M. SMITH, Circuit Judges.

Appellant's motion to proceed in forma pauperis is denied. Within 21 days after the date of this order, appellant shall pay \$455.00 to the district court as the docketing and filing fees for this appeal and file proof of payment with this court. Failure to pay the fees will result in the automatic dismissal of the appeal by the Clerk for failure to prosecute, regardless of further filings. *See* 9th Cir. R. 42-1.

No motions for reconsideration, clarification, or modification of the denial of appellant's in forma pauperis status shall be filed or entertained.

If the appeal is dismissed for failure to comply with this order, the Clerk shall not file or entertain any motion to reinstate the appeal that is not accompanied by proof of payment of the docketing and filing fees.

If appellant pays the fees, the opening brief and excerpts of record are due June 7, 2010; the answering brief is due July 6, 2010; and the optional reply brief is due within 14 days after service of the answering brief.